S.B. CRIMINAL MISC.PETITION NO. 1375/2006
(Babu Lal Vs. State of Raj. & Anr.)

Date of order : : 22.01.2007

HON'BLE MR. JUSTICE KRISHAN KUMAR ACHARYA

Mr.Rakesh Arora, for the petitioner.
Mr.Ashok Upadhyay, PP for the State.

By way of instant misc. petition under Section 482 Cr.P.C., petitioner has challenged the order of the learned Sessions Judge, Sirohi dated 3.10.2006 refusing to interfere with the order of the learned Chief Judicial Magistrate, Sirohi dated 3.3.2006 whereby charges under Sections 447 and 427 IPC were framed against the petitioner.

Learned counsel for the petitioner states that a civil suit is pending, in respect of the land in dispute, in the court of learned Chief Judicial Magistrate, Sirohi who passed an interim injunction order on 28.3.2003 for maintaining the status quo. Thereafter, this complaint was filed by the respondent No.2 Vishnu Kumar. Learned counsel further states that sale-deed is in favour of the petitioner and he is having electricity and water connection in his own names, therefore, it cannot be said that petitioner committed any offence under Section 447 and 427 IPC.

Learned Public Prosecutor has supported the impugned orders and stated that orders passed by both the courts below do not call for any interference by this Court.

I have considered the submissions advanced by learned counsel for the parties and perused the judgment & orders impugned. Learned Magistrate after hearing both the parties and due consideration of the evidence on record, has discharged the petitioner of offence under Sections 467, 379 and 384 IPC but framed charges under Section 447 and 427 IPC against the petitioner. The revisional court has considered the entirety and propriety of the matter. The petitioner has already exercised right of revision, I do not find any illegality or impropriety in the impugned orders, which does not warrant any interference.

Accordingly, this misc. petition is dismissed.

(KRISHAN KUMAR ACHARYA), J.

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